

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALBERT PERRYMAN, JR.,

No. C 10-02325 SBA (PR)

Petitioner,

ORDER OF TRANSFER

v.

WARDEN OF FOLSOM STATE PRISON,

Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he challenges the execution of his sentence. Petitioner has paid the \$5.00 filing fee.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner is incarcerated at Folsom State Prison, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84. Because Petitioner challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-

1 3(b), and in the interests of justice, this petition be TRANSFERRED to the United States District
2 Court for the Eastern District of California.

3 IT IS SO ORDERED.

4 DATED: 6/29/10


5 SAUNDRA BROWN ARMSTRONG
6 UNITED STATES DISTRICT JUDGE
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United States District Court
For the Northern District of California

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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6 ALBERT PERRYMAN JR,
7 Plaintiff,

Case Number: CV10-02325 SBA

CERTIFICATE OF SERVICE

8 v.

9 WARDEN OF FOLSOM STATE PRISON et al,
10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
Northern District of California.

13 That on June 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
14 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
15 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
16 office.

17 Albert Perryman Y92929
18 Folsom State Prison
19 P.O. Box 290066
Represa, CA 95671

20 Dated: June 30, 2010

21 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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